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0010.0197

April 8, 2008

Via UPS Next Day Air

Labor and Industrial Relations Commission
State of Missouri
3315 West Truman Boulevard Room 214
P.O. Box 599
Jefferson City, Missouri 65102-0599

FILED

APR - 9 2008

LABOR AND INDUSTRIAL
RELATIONS COMMISSION

Re: Objections to Annual Wage Order No. 15 for Macon, Moniteau, Adair, and Benton Counties

Dear Sir or Madam:

On behalf of the Bridge, Structural and Ornamental Iron Workers, Local Union No. 10 (hereinafter, "the Union"), and pursuant to 8 C.S.R. 20-5.010, an objection is hereby filed regarding proposed Annual Wage Order No. 15 ("Order") for Macon, Moniteau, Adair, and Benton Counties. A certified copy of the Order was issued by the Division of Labor Standards last month. This letter and all supporting documents are being filed in triplicate with the Commission.

The Union specifically objects to the prevailing wage set under the Order for the occupational title of Iron Worker in all four of the above-referenced counties. The Union's specific objections for each individual county can be found below.

I. Macon

For Macon County, the Order fixes the basic hourly rate for an iron worker at \$23.10 per hour, fringe benefit payments at \$19.10 per hour, and overtime to be paid pursuant to

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federal law. This wage rate does not include the incremental wage increase that became effective on April 1, 2008.

Historically, the Department of Labor and Industrial Relations has included annual incremental wage increases on its March Annual Wage Orders. As of April 1, 2008, iron workers in Macon County receive \$26.75 in straight time pay and \$20.35 in applicable fringe benefit payments less contributions to the Industry Advancement Fund. A copy of the current Iron Workers Local No. 10 wage rate sheet is attached hereto as Exhibit A. Since Exhibit A clearly shows that iron workers in Macon County are paid at the rate of \$26.75 in straight time pay and \$20.35 in applicable fringe benefit payments, the Union objects to Annual Wage Order No. 15 and requests that the Commission adjust the published Iron Worker scale to be consistent with the most current rates paid under the current Iron Workers Local No. 10 wage rate sheet.

II. Adair

As the attached documents clearly demonstrate, the Order does not accurately reflect the appropriate iron worker scale for Adair County. Exhibit B is a copy of certified payroll reports prepared by Boone Construction, a non-union company in Adair County, for the time period between August 25, 2007 and January 22, 2008. During that time period, iron workers performed 137 hours of work for Boone Construction. The iron workers reported on the certified payroll records were paid at a basic hourly rate of \$21.50, plus fringe benefits totaling \$12.81 per hour; these occurrences have been identified with tabs on the original copy for your convenience. In light of the overwhelming evidence contained in Exhibit B that clearly demonstrates that Boone Construction paid iron workers at the hourly rate of \$34.31 for hourly pay and fringe benefits, the Union objects to Annual Wage Order No. 15 and requests that the Commission adjust the published Iron Worker scale to be consistent with the rates paid by Boone Construction in Adair County.

III. Benton

Exhibit C is a copy of certified payroll reports prepared by Larry Brandt Construction, a non-union company in Benton County, for the time period between July 8, 2007 through August 4, 2007. As Exhibit C clearly shows, the Order does not accurately reflect the appropriate iron worker scale for Benton County. During the time period listed above, iron

workers performed a total of 143.5 hours at the hourly rate of \$40.35. \$40.35 is the equivalent of the sum of Iron Workers Local 10's Area II wage and fringe benefit packages, less contributions to the Industry Advancement Fund. The applicable wage rate listing is included in Exhibit C. Therefore, at a minimum, the hourly wage rate should be increased to \$40.35. However, since wages and fringe benefit contributions have been incrementally increased under the Union collective bargaining agreement from \$40.35 to the rate of \$44.10, it would actually appear that \$44.10 is the appropriate wage and fringe benefit rate for Benton County. In light of the overwhelming evidence contained in Exhibit C, the Union objects to Annual Wage Order No. 15 and requests that the Commission adjust the published Iron Worker scale to be consistent with the rates paid by Larry Brandt Construction and the ensuing incremental increase.

IV. Moniteau

As the attached documents clearly demonstrate, the Order also does not accurately reflect the appropriate Iron Worker scale for Moniteau County. Exhibit D contains 1) a wage rate listing relating to Don Schnieders Excavating Company's work performed by members of Iron Workers Local No. 10; 2) certified payroll records of Don Schnieders Excavating Co. for the time period of July 15, 2007 through August 19, 2007; 3) a listing of bargaining rights assignments for Iron Workers Local No. 10 contractors; and 4) a description of jurisdictions from page 2 of the most recent Join Agreement between Iron Workers Local No. 10 and the Builders Association of Missouri.

Don Schnieders Excavating Co. is based in Jefferson City, Missouri, which is in the jurisdiction of Iron Workers Local Union No. 396 in St. Louis, Missouri; however, Don Schnieders Excavating Co. is signatory to Iron Workers Local Union No. 10's current collective bargaining agreement, attached hereto as Exhibit E. Moniteau County is in Local Union No. 10's jurisdiction and thus is subject to the wage rates in the Local Union No. 10's collective bargaining agreement, rates that are higher than those in the Local Union No. 396 collective bargaining agreement. From the certified payroll records, Iron Workers Local No. 10 members performed 476.5 hours of work for Don Schnieders Excavating Co. Unfortunately, Don Schnieders Excavating Co. mistakenly paid Iron Workers Local Union No. 396's wage rates and not Iron Workers Local Union No. 10's wage rates, which it was contractually obligated to pay. Since the current wage rates apply, these 476.5 hours should have been paid at the rate of \$42.20 per hour, which consists of the current hourly wage and fringe benefit rates less contributions to the Industry Advancement Fund. And, at the very

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minimum, the rate should be at least \$38.61, which is the total package rate actually paid by Don Schnieders Excavating Company for those 476.5 hours worked by members of Local Union No. 10.

In light of the overwhelming evidence contained in Exhibit D, the Union objects to Annual Wage Order No. 15 and requests that the Commission adjust the published Iron Worker scale to be consistent with the rates paid by Don Schnieders Excavating Co. at the correct Iron Workers Local No. 10 wage rates.

The original and three copies of these objections are filed with a request that one file-stamped copy be returned to me, the undersigned, who hereby certifies that a copy of this Letter of Objection and its exhibits have been mailed this date postage pre-paid by UPS Next Day Air to the Division of Labor Standards, 3315 West Truman Boulevard Room 205, P.O. Box 449, Jefferson City, Missouri 65102.

In view of the foregoing information and the attached exhibits, we hereby submit that Annual Wage Order No. 15 should be revised to reflect the correct wage rates paid to iron workers in Macon, Adair, Benton, and Moniteau Counties. I thank you for your consideration. Should you have any questions concerning this matter or require any additional documentation, please do not hesitate to contact me.

Respectfully Submitted,



Martin W. Walter
Lauren M. Fletcher

Enc.

cc: Division of Labor Standards, via UPS Next Day Air
David Coleman, Iron Workers Local No. 10